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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,860	01/09/2006	Marco Daher	P70980US0	5320
136	7590	03/28/2008	EXAMINER	
JACOBSON HOLMAN PLLC			DESAI, HEMANT	
400 SEVENTH STREET N.W.				
SUITE 600			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20004			3721	
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			03/28/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/563,860	DAHER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hemant M. Desai	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 January 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbe et al. (5913764) and Boger et al. (4687137) and further in view of Vijuk (5044873).

Kolbe et al. disclose a base inserter device including folding device (fig. 5), one gluing station (see col. 5, lines 14-15) and one pressing station (see col. 5, lines 19-21).

Kolbe et al., as mentioned above, discloses all the claimed limitations, except for the gluing station comprises glue outlet openings, which may be selectively supplied with glue and provided with at least two applications heads. However, Boger, et al. discloses that it is well known in the art of applying glue to the substrate to use the gluing station (20, fig. 2) comprises glue outlet openings (92, fig. 2), which may be selectively supplied (each provided with valve 72, 74, 76 etc, fig. 2) with glue and provided with at least two applications heads (60, 38, fig. 2) to dispense controlled and intermittent application of adhesive which provide substantial savings of adhesive (see col. 5, lines 44-59). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gluing station of Kolbe et al.

with the glue outlet openings of Boger et al. for controlled and intermittent application of glue.

The modified device of Kolbe et al., as mentioned above, disclose all the limitations, except for adjustable gluing stations. However, Vijuk teaches adjustable gluing stations and at least two application heads (45, fig. 16), and at least one head may be displaced in a direction orthogonal to the feed direction of the sheets to change the adhesive pattern and apply the adhesive at the right place (see fig. 17, col. 10, lines 4-10). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the adjustable glue stations as taught by Vijuk in the base inserter device of Kolbe et al. to change the adhesive pattern and apply the adhesive at the right place.

Regarding claim 2, Boger et al. teach that application head is provided with an application plate (20, fig. 2) in which several glue outlet openings (98) are each arranged equidistantly (see fig. 2) on one line in a direction perpendicular to the feed direction of the sheets and/or the folds of the bases, the application plates being configured such that adjoining glue outlet openings (60, 38) of two different application heads are positionable at a different distance than the distance between the glue outlet openings.

Regarding claim 3, Vijuk teaches that in the gluing station, the two application heads are displaceably supported on a common guide rail (173, fig. 17).

Regarding claim 4, Vijuk teaches that at least one drive (176) for providing the force for moving at least one displaceable application head.

Regarding claim 5, Vijuk teaches that the drive can be driven using a motor.

Regarding claims 6-8, Vijuk teaches means (controller, fig. 41) for automatically displacing the application head and a control unit that controls the displacement.

Regarding claim 9, Vijuk teaches that all the application heads of the gluing station can be supplied with glue from one common glue supplying line, which guides the glue directly towards the application heads.

Regarding claims 10-11, Vijuk teaches that the glue supplying line runs essentially in a direction orthogonal to the feed direction of the sheets.

Regarding claim 12, Kolbe et al. disclose guide elements, which guide the bag components to be glued in the region of the gluing station.

Regarding claim 13, Vijuk teaches that one application head remains stationary.

Regarding claim 14, Vijuk teaches that the format is defined by three application heads (see fig. 16) of which the middle one can remains stationary during the adjustment of the format.

Regarding claims 15-17, the modified base insert device of Kolbe et al., as mentioned above, meets all the claimed limitations of claims 15-17.

3. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbe et al., Boger et al. and Vijuk as applied to claim 1 above, and further in view of Colgan (6524667).

The device of Kolbe et al. as modified by Boger et al. and Vijuk, as mentioned above, meets all the claimed limitations of claims 18-19, except for dispensing starch glue (cold glue). However, Colgan teaches gluing station including glue outlet openings

which may be selectively supplied with starch (cold) glue (see col. Col. 2, lines 55-65) to avoid heat energy, multiple-step processing and expensive hot application glues (see col. 1, lines 30-33). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to dispense starch glue in the modified device of Kolbe et al. as taught by Colgan to avoid heat energy, multiple-step processing and expensive hot application glues.

***Response to Arguments***

4. Applicant's arguments filed 1/17/2008 have been fully considered but they are not persuasive. In response to applicant's argument, on page 10, 2<sup>nd</sup> paragraph, that Boger especially irrelevant, since it teaches an apparatus that applies a hot adhesive (i.e., a molten thermoplastic), not a starch glue as is used in the type of apparatus defined by Applicants' claims. Note that Applicant is claiming the application of starch glue (cold glue) in claims 18 and 19, which are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbe et al., Boger et al. and Vijuk and further in view of Colgan (6524667). Colgan teaches gluing station including glue outlet openings which may be selectively supplied with starch (cold) glue (see col. Col. 2, lines 55-65) to avoid heat energy, multiple-step processing and expensive hot application glues.

In response to Applicant's argument that the disclosure of Boger is especially irrelevant for at least the following reasons. Boger describes an adhesive dispensing apparatus for disposable diapers (column I, line 13). So, Boger is directed to a technology area that is different from both Kolbe and Vijuk. Furthermore, Boger's adhesive dispensing apparatus uses hot adhesive (i.e., a molten thermoplastic) (column

2, line 27) to glue different layers of sheets to form the disposable diaper. In response to Applicant's argument regarding hot glue, note that Applicant is claiming the application of starch glue (cold glue) in claims 18 and 19, which are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbe et al., Boger et al. and Vijuk and further in view of Colgan (6524667). Colgan teaches gluing station including glue outlet openings which may be selectively supplied with starch (cold) glue (see col. Col. 2, lines 55-65) to avoid heat energy, multiple-step processing and expensive hot application glues. In response to Applicant's argument that Boger is directed to a technology area that is different from both Kolbe and Vijuk reference. It has been held that the determination that a reference is from a nonanalogous art is twofold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved. *In re Wood*, 202 USPQ 171, 174.

In response to applicant's argument regarding Vijuk reference, note that Examiner rely on the Vijuk reference to show that the adjustment of the glue application head is well known in the art to change the adhesive pattern and apply the adhesive at the right place. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the adjustable glue stations as taught by Vijuk in the base inserter device of Kolbe et al. to change the adhesive pattern and apply the adhesive at the right place.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hemant M Desai/  
Primary Examiner, Art Unit 3721